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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,361	02/06/2004	Tsuncnori Soma	03500.017891.	5039
5514 7590 02/13/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER VO, ANH T N				
ART UNIT 2861		PAPER NUMBER		
MAIL DATE 02/13/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/772,361

Applicant(s)

SOMA, TSUNENORI

Examiner

Anh T.N. Vo

Art Unit

2861

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6, 18, 19 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6, 18, 19 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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NON-FINAL REJECTION

The rejections over Siwinski et al (US 6,938,976), Ayata et al. (US Pat. 4,463,359) and Hirota (US 6,053,597) have been withdrawn because the rejected claims were canceled.

The prior art reference newly found necessitated a new ground of rejection as below:

Claims Objection

Claim 6 is objected to in that "the time limit" and "the authorized number" on lines 13-14 should be changed to --a time limit-- and --an authorized number--, and "liquid" on line 12, 14 and 17 should be changed to --said liquid-- for proper support. Also the word "it" on line 12 should be deleted, as the term "it" is indefinite. The same is true for claims 18 and 26.

Correction is required.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6, 18-19 and 26 is rejected under 35 USC 102 (e) as being anticipated by Asauchi et al (US 7,059,699).

Asauchi et al discloses in Figures 5-21 a printing device comprising:

- a liquid supply section (60) having a plurality of sets of at least a liquid ejecting nozzle (28 in Figure 6a);
- a liquid containing section (107F, 107K) communicating with the liquid ejecting nozzle (28) and an inherent supply port for supplying liquid to the liquid containing section which has a plurality of holding sections (107F, 107K) for holding different types of liquid and an information recording body storing information (108F, 108K) being provided with information relating to at least information indicating that it is a liquid supplying side, information specifying a region of the liquid ejection section, and information indicating the time limit of use and the authorized number of times of supply of liquid contained in said liquid supply section;
- wherein the ink containers (107F, 107K) inherently comprise chambers (wells) for containing inks and are provided on an inherent housing or support for securely supplying the inks to the head (60).
- wherein said method comprising reading said information by a unit (66) and supplying liquid to be applied from said liquid supply section (60) to said liquid ejection section (60) by way of said supply ports according to said information, see column 6 in which the ejected ink is counted and the remaining ink is calculated to determine a time limit and the authorized number of use or prints.

Response to Applicant's Arguments

The applicant's arguments with respect to the prior art rejection have been carefully considered and have been traversed in view of the new grounds of rejection over Asauchi et al reference.

CONCLUSION

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262. The examiner can normally be reached on Monday to Friday from 9:00 A.M.to 5:30 P.M.. The fax number of this Group 2861 is (571) 273-8300.

/Anh T.N. Vo/

Primary Examiner, Art Unit 2861

February 7, 2008